

1
2 **UNITED STATES DISTRICT COURT**
3 **DISTRICT OF NEVADA**

4 * * *

5 VOLVO CONSTRUCTION EQUIPMENT)
6 RENTS, INC,)

7 Plaintiff,)

8 v.)

9 NRL TEXAS RENTALS, LLC, *et al.*,)

10 Defendants.)
11

2:09-cv-00032-JCM -LRL

ORDER

12 Before the court are plaintiff Volvo Construction Equipment Rents, Inc.'s Motion To Strike
13 Discovery Responses and Disclosures (#416), defendants' Motions To Withdraw As Attorney¹ (#483)
14 and To Extend Discovery, (#490) and plaintiff's Motion For Protective Order. (#499)

15 In addition to the above listed discovery related motions, there is a motion to dismiss (#455) and
16 several motions for summary judgment (#471, #485, #509, #511, and #513) pending before the court.
17 The District Judge scheduled a hearing for November 3, 2011, to address the fully briefed dispositive
18 motions (#455, #471, #485, and #509).

19 In the present motion to withdraw (#483), McDonald Carano Wilson, LLP (hereinafter
20 "McDonald Carano") notified the court of its withdrawal as counsel for defendants NRL San Antonio
21 Rentals, LP, NRL Texas Rentals, LLC, and Bosworth Nevada Investments, LLC (hereinafter
22 collectively "the moving defendants"). (#483). Pursuant to Local Rule 1A 10-6(b), "[n]o attorney may
23 withdraw after appearing in a case except by leave of court after notice served on the affected client and

24 ¹ Although docketed as a "Motion To Withdraw As Attorney" for all defendants, the
25 document filed is styled as a "Notice of Withdrawal As Counsel for NRL San Antonio Rentals, LP,
26 NRL Texas Rentals, LLC, and Bosworth Nevada Investments, LLC," and cites Nevada Supreme
Court Rule 46 in support of its notice. (#483).

1 opposing counsel.” Further, section (e) provides that, “[e]xcept for good cause shown, no withdrawal
2 or substitution shall be approved if delay of discovery, the trial or any hearing in the case would result.”
3 Local Rule 1A 10-6(e). Additionally, in the event that the withdrawal would result in delay, the motion
4 “must request specific relief from the scheduled trial or hearing.” *Id.*

5 As discussed above, a hearing is scheduled for the pending dispositive motions. The motion to
6 dismiss (#455) and one of the motions for summary judgment (#513) that are going to be addressed at
7 the hearing were filed by McDonald Carano on behalf of several defendants, including the moving
8 defendants. Despite this, McDonald Carano did not provide the court with “good cause” as to why the
9 withdrawal is warranted or “request specific relief from the scheduled...hearing.” *See* Local Rule 1A
10 10-6(e). Therefore, the court will not permit McDonald Carano to withdraw at this time. The court will
11 entertain a renewed motion to withdraw *after* the November 3, 2011, hearing.

12 Further, in light of the upcoming hearing, the court will defer ruling on the pending discovery
13 motions (#416, #490, and #499) until *after* the District Judge has ruled on the dispositive motions. In
14 order to better assess the discovery issues as they pertain to the remaining claims, the court will conduct
15 a pretrial conference with the remaining parties on November 10, 2011. Local Rule 16-2 (“Pretrial
16 conferences may be called at any time by the court on its own initiative.”).

17 Accordingly, and for good cause shown,

18 IT IS ORDERED that McDonald Carano’s Motion To Withdraw As Attorney (#483) is denied
19 without prejudice.

20 IT IS FURTHER ORDERED that a pretrial conference regarding the pending discovery motions
21 (#416, #490, and #499) is scheduled for November 10, 2011, at 9:00 a.m. in Courtroom 3C.

22 DATED this 18th day of October, 2011.

23
24 

25 **CAM FERENBACH**
26 **UNITED STATES MAGISTRATE JUDGE**